

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 KEITON SMITH,

5 Plaintiff,

6 v.

7 NDOC, *et al.*,

8 Defendants.

9 Case No. 2:22-cv-00872-CDS-EJY

10 ORDER

11 Pending before the Court is Plaintiff's Motion for Clarification on Motion of Status of
12 Plaintiff (ECF No. 95). Plaintiff alleges that he is receiving inadequate care from High Desert
13 State Prison ("HDSP") medical staff after back surgery.¹

14 The Court notes that Defendants filed a status report on August 31, 2023, showing that
15 Plaintiff's surgery took place on August 21, 2023, and Plaintiff returned to HDSP infirmary on
16 August 23, 2023. ECF No. 83, 85. This report attached medical records dated through August 31,
17 2023. *Id.* However, based on the specific allegations raised by Plaintiff, the Court seeks an update
18 on Plaintiff's care that includes specifics relating to post-operative procedures, medication, and
19 health care providers' review of Plaintiff's status.

20 Accordingly, IT IS HEREBY ORDERED Plaintiff's Motion for Clarification (ECF No.
21 95) is GRANTED.

22 IT IS FURTHER ORDERED that Defendants **must** file a status report no later than
23 **October 16, 2023** that provides the following information and documentation:

24 1. Plaintiff's post-operative prescribed medication;

25 2. Dates such medication was given to Plaintiff;

26 3. Dates on which prescribed medication was not given to Plaintiff, if any, and any
explanation for the same;

27 4. The date on which Plaintiff was moved out of the infirmary to a cell;

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¹ Plaintiff also seeks a transfer out of HDSP. The Court has no power to issue such an order.

5. All dates after Plaintiff was moved out of the infirmary to a cell on which Plaintiff was seen by HDSP medical staff and what procedures or care was performed, if any;

6. If not included in the above, dates on which Plaintiff received bandage care;

7. If not included in the above, dates on which Plaintiff was to have stitches removed, if any, and the date on which this actually occurred;

8. If not included in the above, physical therapy or other rehabilitative care prescribed for Plaintiff and dates he received such therapy or care; and,

9. How HDSP has facilitated Plaintiff's use of shower facilities.

9 IT IS FURTHER ORDERED that Defendants **must** file a copy of written records
10 supporting their status report. All such records are to be filed **under seal**. No motion to seal is
11 necessary as this Order requires the same.

12 DATED this 2nd day of October, 2023.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE